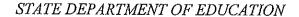


Dear

## STATE OF CONNECTICUT





November 7, 2014

	Re: Complaint No. 15-0135

This office is responding to the complaint filed by referenced student, against the complaint on behalf of the student. In the complaint, claimed that the district refused to educate the student. The complaint inquiry letter set forth the issue to be investigated as follows:

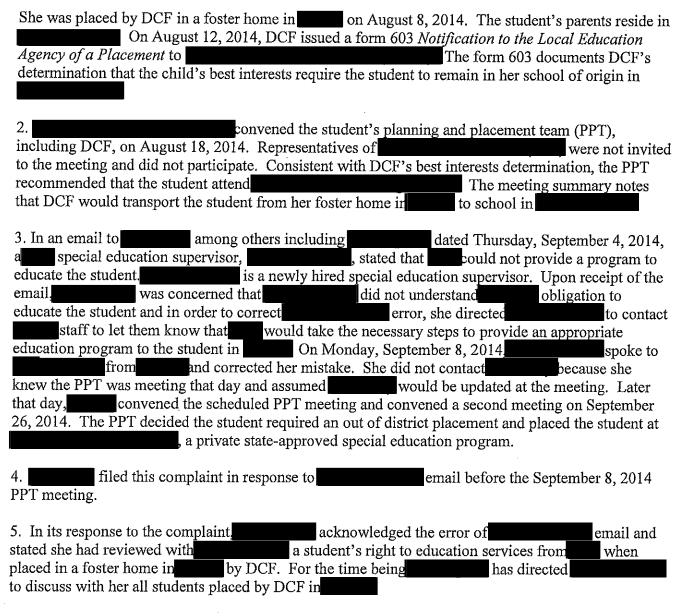
Issue: Children placed by state agencies are entitled to receive, from the school district in which they reside as a result of the placement by the state agency, the same free school privileges which are available to the other children who live within the territory of the school district. For a child eligible for special education services who has been placed out of home by a state agency, the child's current individualized education program must be implemented fully upon placement. The nexus school district is obligated to reimburse the district implementing the individualized education program (IEP) for the reasonable cost of the IEP services. On what basis did refuse to implement the student's IEP?

The following were reviewed: complaint; e-mails exchanged between school staff and the surrogate parent; student's individualized education programs dated August 18, 2014, September 8, 2014 and September 26, 2014; district's response to the complaint inquiry letter; and Department of Children and Families (DCF) form 603. Additionally, this investigator spoke to

## **Findings of Fact:**

1. The student is 14 years old and eligible for special education and related services under the Individuals with Disabilities Education Act (IDEA) eligibility category of Emotional Disturbance.

Complaint No. 15-0135 November 7, 2014 Page 2



## Conclusion:

Children placed in out-of- home care by a state agency are entitled to receive, from the school district in which they reside as a result of the placement by the state agency, the same free school privileges which are available to the other children who live with the boundaries of the school district. For each child who is eligible for special education services and who has been placed in out-of- home care by a state agency, the child's current IEP must be implemented fully upon placement unless the child's IEP requires a setting other than a public school. The school district which is responsible for ensuring the implementation of the child's IEP, usually the district where the child's parents reside, must reimburse the out-of-home district for the reasonable cost of the IEP services. A child in DCF care is also subject to a determination as to whether his or her best interests are served by continuing to attend

Complaint No. 15-0135 November 7, 2014 Page 3

school in the school he or she attended before being removed from his or her parents' home. If DCF determines it is in the child's best interests to continue to attend the child's school of origin, the board of education for the school of origin shall continue to provide free school privileges the child.

In this matter, never had the responsibility to provide educational services to the student despite the fact that she was living in a foster home in Upon her placement in In August, DCF determined it was in the child's best interests to remain in her school of origin in The PPT that met on August 18, 2014 reflected this plan; the student was to remain in With DCF providing transportation to and from On September 26, 2014, the student's PPT revised her IEP and placed her in a private special education placement in order to provide her a free appropriate public education.
The information in the September 4, 2014 email from to and the surrogate reflected a lack of understanding by a newly hired special education supervisor about a child's right to free school privileges when placed in out-of-home care by DCF. However, was not responsible for provision of education services and the statement was promptly recanted and corrected by Additionally, has taken appropriate steps to address the staff person's lack of understanding. The sending of the email did not impact the provision of appropriate services to the student. It is concluded no violation of special education requirements occurred and no corrective action is needed. The complaint is now closed.
Please contact me at the state of if you have any questions.